IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8135 OF 2007

Pallavi Bharatbhushan Wankhede ... Petitioner

V/s.

State of Maharashtra & Ors. ... Respondents

Mr. R.K. Mendadkar and Ms. H.K. Mandlik for the Petitioner

Mr. R.D. Rane, Government Pleader, for the Respondent-State.

CORAM: **J.N. PATEL AND A.A. SAYED, JJ.**

DATE: **NOVEMBER 2, 2007**

P.C.:-

1. This petition can be disposed of at the stage of admission itself.

2. The petitioner has filed this petition seeking a direction to respondent No. 2 to forthwith decide the validity of the caste claim of the petitioner; and, in the meantime, allow her to continue her studies in the first year of Engineering Degree Course.

3. It is the case of the petitioner that her case has been referred to respondent No.2-Scrutiny Committee for validation of her Caste Certificate, which has not been decided, and, therefore, her admission to respondent No.4-Engineering College would be cancelled.

4. The learned Government Pleader has placed before us a communication dated 30th October, 2007 received from the Deputy Director of the Scrutiny Committee, Nashik, that the Scrutiny Committee would decide the matter within four weeks. We accept the statement made by the Deputy Director of the Scrutiny Committee, and, therefore, direct the respondents not to cancel the admission of the petitioner till the Scrutiny Committee decides the validity of her caste claim.

5. This Court makes it clear that in case the Caste Certificate of the petitioner is invalidated by the Scrutiny Committee, the petitioner would not claim any equity in the matter, and even if she is permitted to appear for any examination / test, that would stand cancelled, in addition to her admission in the college, which has been granted on the basis of the caste claim of the petitioner against seats reserved for candidates from Backward Class.

6. The petition stands disposed of accordingly.

J.N. PATEL, J.

A.A. SAYED, J.